

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL HOYT

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT OF  
CORRECTIONS D/B/A SCI-PHOENIX,  
et. al.,

Defendant.

CIVIL ACTION

NO. 23-CV-02163

**ORDER**

AND NOW, this 29th day of March, 2024, upon consideration of Defendants Wellpath, LLC; Jessamine Healthcare, Inc.; Dr. Anthony Letizio; and Steven Kaminsky, PA-C, (“Moving Defendants”) Motion to Dismiss Plaintiff’s Amended Complaint (ECF No. 11) (the “Motion”), Plaintiff’s Response in Opposition thereto (ECF No. 12) and Moving Defendants’ Reply in Further Support (ECF No. 13)—**IT IS ORDERED** as follows:

1. Moving Defendants’ Motion (ECF No. 11) is **DENIED** as to Count I;
2. Moving Defendants’ Motion (ECF No. 11) is **GRANTED *without prejudice*** as to COUNT II;
3. Plaintiff is granted leave to amend Count II of the complaint and to re-file the requisite Certificates of Merit pursuant to Pennsylvania Procedural Rule 1042.3, in compliance with the Court’s memorandum opinion, within **thirty (30) days** of this Order being issued.

**BY THE COURT:**

/s/ Hon. Kelley B. Hodge

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**HODGE, KELLEY B., J.**